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1
2 UNITED STATES BANKRUPTCY COURT

3 SOUTHERN DISTRICT OF NEW YORK

4 Case No. 05-44481 (RDD); Adv. Proc. No. 07-02619 (RDD);

5 Adv. Proc. No. 07-02242 (RDD); Adv. Proc. No. 07-02256 (RDD);

6 Adv. Proc. No. 07-02333 (RDD); Adv. Proc. No. 07-02580 (RDD);

7 Adv. Proc. No. 07-02661 (RDD); Adv. Proc. No. 07-02743 (RDD);

8 Adv. Proc. No. 07-02768 (RDD); Adv. Proc. No. 07-02769 (RDD);

9 Adv. Proc. No. 07-02790 (RDD); Adv. Proc. No. 07-02076 (RDD);

10 Adv. Proc. No. 07-02084 (RDD); Adv. Proc. No. 07-02096 (RDD);

11 Adv. Proc. No. 07-02125 (RDD); Adv. Proc. No. 07-02177 (RDD);

12 Adv. Proc. No. 07-02188 (RDD); Adv. Proc. No. 07-02211 (RDD);

13 Adv. Proc. No. 07-02212 (RDD); Adv. Proc. No. 07-02236 (RDD);

14 Adv. Proc. No. 07-02250 (RDD); Adv. Proc. No. 07-02262 (RDD);

15 Adv. Proc. No. 07-02270 (RDD); Adv. Proc. No. 07-02291 (RDD);

16 Adv. Proc. No. 07-02328 (RDD); Adv. Proc. No. 07-02337 (RDD);

17 Adv. Proc. No. 07-02348 (RDD); Adv. Proc. No. 07-02432 (RDD);

18 Adv. Proc. No. 07-02436 (RDD); Adv. Proc. No. 07-02449 (RDD);

19 Adv. Proc. No. 07-02479 (RDD); Adv. Proc. No. 07-02525 (RDD);

20 Adv. Proc. No. 07-02534 (RDD); Adv. Proc. No. 07-02539 (RDD);

21 Adv. Proc. No. 07-02551 (RDD); Adv. Proc. No. 07-02581 (RDD);

22 Adv. Proc. No. 07-02597 (RDD); Adv. Proc. No. 07-02618 (RDD);

23 Adv. Proc. No. 07-02623 (RDD); Adv. Proc. No. 07-02659 (RDD);

24 Adv. Proc. No. 07-02672 (RDD); Adv. Proc. No. 07-02702 (RDD);

25 Adv. Proc. No. 07-02723 (RDD); Adv. Proc. No. 07-02743 (RDD);

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1 Adv. Proc. No. 07-02744 (RDD); Adv. Proc. No. 07-02750 (RDD);

2 Adv. Proc. No. 07-02188 (RDD)

3 - - - - -x

4 In the Matter of:

5 DPH HOLDINGS CORP., et al.,

6 Reorganized Debtors.

7 - - - - -x

8 DELPHI CORPORATION, et al.,

9 Plaintiffs,

10 -against-

11 SETECH INC., et al.,

12 Defendants.

13 - - - - -x

14 DELPHI CORPORATION, et al.,

15 Plaintiffs,

16 -against-

17 DUPONT COMPANY, et al.,

18 Defendants.

19 - - - - -x

20 DELPHI CORPORATION, et al.,

21 Plaintiffs,

22 -against-

23 ECO-BAT AMERICA LLC,

24 Defendant.

25 - - - - -x

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1 - - - - -x
2 DELPHI CORPORATION, et al.,
3 Plaintiffs,
4 -against-
5 GLOBE MOTORS INC.,
6 Defendant.
7 - - - - -x
8 DELPHI CORPORATION, et al.,
9 Plaintiffs,
10 -against-
11 PHILIPS SEMICONDUCTOR, et al.,
12 Defendants.
13 - - - - -x
14 DELPHI CORPORATION, et al.,
15 Plaintiffs,
16 -against-
17 SUMMIT POLYMERS INC.,
18 Defendant.
19 - - - - -x
20 DELPHI CORPORATION, et al.,
21 Plaintiffs,
22 -against-
23 M & Q PLASTIC PRODUCTS, et al.,
24 Defendants.
25 - - - - -x

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1 - - - - -x
2 DELPHI CORPORATION, et al.,
3 Plaintiffs,
4 -against-
5 RSR CORPORATION, et al.,
6 Defendants.
7 - - - - -x
8 DELPHI CORPORATION, et al.,
9 Plaintiffs,
10 -against-
11 RSR/ECOBAT,
12 Defendant.
13 - - - - -x
14 DELPHI CORPORATION, et al.,
15 Plaintiffs,
16 -against-
17 TYCO et al.,
18 Defendants.
19 - - - - -x
20 DELPHI CORPORATION, et al.,
21 Plaintiffs,
22 -against-
23 AHAUS TOOL & ENGINEERING INC.,
24 Defendant.
25 - - - - -x

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1 - - - - -x

2 DELPHI CORPORATION, et al.,

3 Plaintiffs,

4 -against-

5 A 1 SPECIALIZED SVC & SUPP., INC.,

6 Defendant.

7 - - - - -x

8 DELPHI CORPORATION, et al.,

9 Plaintiffs,

10 -against-

11 A-1 SPECIALIZED SERVICES,

12 Defendant.

13 - - - - -x

14 DELPHI CORPORATION, et al.,

15 Plaintiffs,

16 -against-

17 ATS AUTOMATION TOOLING SYSTEMS INC., et al.,

18 Defendants.

19 - - - - -x

20 DELPHI CORPORATION, et al.,

21 Plaintiffs,

22 -against-

23 CORNING INC., et al.,

24 Defendants.

25 - - - - -x

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1 - - - - -x

2 DELPHI CORPORATION, et al.,

3 Plaintiffs,

4 -against-

5 CRITECH RESEARCH INC.,

6 Defendant.

7 - - - - -x

8 DELPHI CORPORATION, et al.,

9 Plaintiffs,

10 -against-

11 DOSHI PRETTL INTERNATIONAL, et al.,

12 Defendants.

13 - - - - -x

14 DELPHI CORPORATION, et al.,

15 Plaintiffs,

16 -against-

17 D & R TECHNOLOGY LLC, et al.,

18 Defendants.

19 - - - - -x

20 DELPHI CORPORATION, et al.,

21 Plaintiffs,

22 -against-

23 DSSI, et al.,

24 Defendants.

25 - - - - -x

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1 - - - - -x
2 DELPHI CORPORATION, et al.,
3 Plaintiffs,
4 -against-
5 DANOBAT MACHINE TOOL CO. INC.,
6 Defendant.
7 - - - - -x
8 DELPHI CORPORATION, et al.,
9 Plaintiffs,
10 -against-
11 EDS, et al.,
12 Defendants.
13 - - - - -x
14 DELPHI CORPORATION, et al.,
15 Plaintiffs,
16 -against-
17 BP, et al.,
18 Defendants.
19 - - - - -x
20 DELPHI CORPORATION, et al.,
21 Plaintiffs,
22 -against-
23 CARLISLE, et al.,
24 Defendants.
25 - - - - -x

- 8 -

1 - - - - -x

2 DELPHI CORPORATION, et al.,

3 Plaintiffs,

4 -against-

5 GKNS INTERMETALS,

6 Defendant.

7 - - - - -x

8 DELPHI CORPORATION, et al.,

9 Plaintiffs,

10 -against-

11 EX-CELL-O MACHINE TOOLS INC.,

12 Defendant.

13 - - - - -x

14 DELPHI CORPORATION, et al.,

15 Plaintiffs,

16 -against-

17 JOHNSON CONTROLS, et al.,

18 Defendants.

19 - - - - -x

20 DELPHI CORPORATION, et al.,

21 Plaintiffs,

22 -against-

23 NILES USA INC., et al.,

24 Defendants.

25 - - - - -x

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1 - - - - -x

2 DELPHI CORPORATION, et al.,

3 Plaintiffs,

4 -against-

5 METHODE ELECTRONICS INC., et al.,

6 Defendants.

7 - - - - -x

8 DELPHI CORPORATION, et al.,

9 Plaintiffs,

10 -against-

11 MICROCHIP,

12 Defendant.

13 - - - - -x

14 DELPHI CORPORATION, et al.,

15 Plaintiffs,

16 -against-

17 HEWLETT PACKARD, et al.,

18 Defendants.

19 - - - - -x

20 DELPHI CORPORATION, et al.,

21 Plaintiffs,

22 -against-

23 OLIN CORP,

24 Defendant.

25 - - - - -x

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1 - - - - -x
2 DELPHI CORPORATION, et al.,
3 Plaintiffs,
4 -against-
5 INTEC GROUP,
6 Defendant.
7 - - - - -x
8 DELPHI CORPORATION, et al.,
9 Plaintiffs,
10 -against-
11 VALEO, et al.,
12 Defendants.
13 - - - - -x
14 DELPHI CORPORATION, et al.,
15 Plaintiffs,
16 -against-
17 VANGUARD DISTRIBUTORS,
18 Defendant.
19 - - - - -x
20 DELPHI CORPORATION, et al.,
21 Plaintiffs,
22 -against-
23 VICTORY PACKAGING, et al.,
24 Defendants.
25 - - - - -x

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1 - - - - -x
2 DELPHI CORPORATION, et al.,
3 Plaintiffs,
4 -against-
5 WAGNER-SMITH COMPANY,
6 Defendant.
7 - - - - -x
8 DELPHI CORPORATION, et al.,
9 Plaintiffs,
10 -against-
11 WELLS FARGO BUSINESS, et al.,
12 Defendants.
13 - - - - -x
14 DELPHI CORPORATION, et al.,
15 Plaintiffs,
16 -against-
17 SELECT TOOL & DIE CORP.,
18 Defendant.
19 - - - - -x
20 DELPHI CORPORATION, et al.,
21 Plaintiffs,
22 -against-
23 SHUERT INDUSTRIES INC.,
24 Defendant.
25 - - - - -x

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1 - - - - -x

2 DELPHI CORPORATION, et al.,

3 Plaintiffs,

4 -against-

5 SUMITOMO, et al.,

6 Defendants.

7 - - - - -x

8 DELPHI CORPORATION, et al.,

9 Plaintiffs,

10 -against-

11 TECH CENTRAL,

12 Defendant.

13 - - - - -x

14 DELPHI CORPORATION, et al.,

15 Plaintiffs,

16 -against-

17 PRUDENTIAL RELOCATION, et al.,

18 Defendants.

19 - - - - -x

20 DELPHI CORPORATION, et al.,

21 Plaintiffs,

22 -against-

23 LDI INCORPORATED,

24 Defendant.

25 - - - - -x

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1 - - - - -x
2 DELPHI CORPORATION, et al.,
3 Plaintiffs,
4 -against-
5 M & Q PLASTIC PRODUCTS, et al.,
6 Defendants.
7 - - - - -x
8 DELPHI CORPORATION, et al.,
9 Plaintiffs,
10 -against-
11 REPUBLIC ENGINEERED PRODUCTS, et al.,
12 Defendants.
13 - - - - -x
14 DELPHI CORPORATION, et al.,
15 Plaintiffs,
16 -against-
17 RIECK GROUP LLC,
18 Defendant.
19 - - - - -x
20 DELPHI CORPORATION, et al.,
21 Plaintiffs,
22 -against-
23 CRITECH RESEARCH INC.,
24 Defendant.
25 - - - - -x

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U.S. Bankruptcy Court
300 Quarropas Street
White Plains, New York

July 22, 2010

10:20 AM

B E F O R E:

HON. ROBERT D. DRAIN

U.S. BANKRUPTCY JUDGE

DPH HOLDINGS CORP., et al.

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1 re Hydrogen, LLC, 2010 WL 1609, 536 (Bankr. S.D.N.Y., April 20,
2 2010). In re McLaughlin, 415 B.R. 23 (Bankr. D.N.H. 2009)
3 In re Caremerica Inc., 409 B.R. 737 (Bankr. E.D.N.C. 2009).

4 I've stated during oral argument why I believe all
5 three of these elements of the claim need to be pled with more
6 clarity in the context. In particular, while it may seem at
7 first glance that anyone receiving money has to receive it for
8 some purpose and therefore it's reasonable to infer in the
9 context that that purpose is to pay an antecedent debt, that is
10 not always the case. Debtors may pay COD or in advance. And
11 in addition, in identifying the debt, a complaint may therefore
12 also enable a debtor to show that the creditor, or the
13 transferee, rather, received more than it would otherwise in a
14 Chapter 7 case which would, in the case of a contract that had
15 been subsequently assumed, be a basis for dismissing the claim.

16 So I concluded that the complaints need to be
17 dismissed, and I've given DPH Holdings forty-five days from
18 today to file a motion for each complaint seeking leave to
19 amend each complaint. That motion should attach the form of
20 complaint -- or must attach the form of complaint that would be
21 proposed to be filed as an amended complaint. And if such a
22 motion is not filed for any particular complaint, that
23 complaint will be dismissed upon the movant submitting to me a
24 proposed order dismissing the complaint, CC'ing on the e-mail
25 counsel for DPH and stating that in fact notwithstanding my